

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FARMINGTON CASUALTY COMPANY :	:	CIVIL ACTION - LAW
as subrogee of THE ESTATE OF :	:	
THOMAS R. HIGHLAND :	:	NO. 2:23-cv-01022
	:	
Plaintiff, :	:	
	:	JURY TRIAL DEMANDED
v. :	:	
	:	
HP INC. :	:	
	:	
Defendant :	:	

**PLAINTIFF’S, FARMINGTON CASUALTY COMPANY A/S/O THE ESTATE OF
THOMAS R. HIGHLAND, MOTION TO COMPEL DEFENDANT’S, HP INC.,
TO ANSWER PLAINTIFF’S INTERROGATORIES AND TO RESPOND
TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

Plaintiff, Farmington Casualty Company a/s/o The Estate of Thomas R. Highland, by and through its attorneys, William J. Ferren & Associates, hereby file its Motion to Compel Defendant, HP Inc., to provide answers to Plaintiff’s interrogatories and to respond to requests for production of documents without objections, and in support thereof, avers as follows:

1. Plaintiff, Farmington Casualty Company a/s/o The Estate of Thomas R. Highland (hereinafter “Plaintiff”), initiated this action by filing a Complaint with the Philadelphia County Court of Common Pleas on March 6, 2023 against Defendants, HP, Inc. (“HP”) and PenTeleData (“PTD”).

2. Plaintiff insured the residential home owned by its subrogor, Thomas R. Highland and Lynn S. Highland (hereinafter “Highland”), located at 405 Center Ave, Jim Thorpe, PA 18229 (the “subject property”), in Carbon County, which sustained significant damages as a result of a fire involving an HP EliteBook Notebook thought to have been distributed by PTD.

3. As a result of the fire, Lynn S. Highland suffered life ending injuries and she died on May 30, 2021.

4. Lynne S. Highland was survived by her husband, Thomas R. Highland, and daughter, Jordan E. McCoy.

5. As a result of the fire, Thomas R. Highland suffered life ending injuries and he died on March 25, 2022.

6. Thomas R. Highland was survived by his daughter, Jordan E. McCoy.

7. On April 19, 2022, Jordan E. McCoy became the executrix of the Estate of Thomas R. Highland.

8. HP was in the business of designing, manufacturing, assembling, selling, servicing, distributing and/or marketing EliteBook Notebook computers, including the one owned by Highland (hereinafter “subject computer”) at issue in this case.

9. On or about March 17, 2023, Plaintiff filed Notice of Partial Voluntary Dismissal of Defendant, PenTeleData, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

10. On or about April 12, 2023, Moving Plaintiff served Interrogatories pursuant to Fed. R. Civ. P. 33 and Request for Production of Documents pursuant to Fed. R. Civ. P. 34 upon counsel for Defendant, requiring full and complete written answers/responses to Moving Plaintiff’s discovery requests within thirty (30) days or by May 12, 2023. See email from Moving Plaintiff’s counsel to HP’s counsel is attached hereto as Exhibit “A”.

11. As Moving Plaintiff did not receive Defendant’s Answers to the aforesaid discovery, on or about May 22, 2023, counsel for Moving Plaintiff sent a letter to Defendant’s counsel advising that answers to discovery are now due and that he was to provide said answers

within ten (10) days. *See* email from Moving Plaintiff's counsel to HP's counsel, attached hereto as Exhibit "B".

12. On or about July 17, 2023, Bennet, Bricklin & Saltzburg LLC entered its appearance as counsel for Defendant.

13. On or about July 18, 2023, Vaughan Baio & Partners withdrew its appearance as counsel for Defendant.

14. On or about July 20, 2023, Plaintiff, forwarded the previously propounded discovery requests to Defendant's new counsel, Bennet, Bricklin & Saltzburg LLC. *See* email from Moving Plaintiff's counsel to HP's counsel, attached hereto as Exhibit "C".

15. To date, HP's counsel has not responded to Moving Plaintiff's written discovery.

16. Plaintiff has made an attempt to confer with Defendant in good faith to secure answers and responses to its written discovery without court intervention, but such effort was unproductive.

17. Moving Plaintiff is entitled to receive full and complete answers to its discovery requests and it will be prejudiced by Defendant's failure to provide such responses. Federal and Local Rules of Civil Procedure regarding discovery.

18. Pursuant to Fed. R. Civ. P. 37(B)(iii) & (iv) this Honorable Court is empowered to enter an Order compelling Defendant to provide Plaintiff with full and complete answers to interrogatories and responses to requests for production without objections.

WHEREFORE, Plaintiff, Farmington Casualty Company a/s/o The Estate of Thomas R. Highland, respectfully requests that this Honorable Court enter an order compelling Defendant, HP Inc., to provide Plaintiff with full and complete answers to interrogatories and responses to requests for production without objections within ten (10) days.

WILLIAM J. FERREN & ASSOCIATES

By: /s/Kevin M. Kelly

Kevin M. Kelly, Esquire (No. 87413)

Attorney for Plaintiff

Date: October 30, 2023

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HP INC. :	:	
	:	
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**PLAINTIFF'S, FARMINGTON CASUALTY COMPANY A/S/O THE ESTATE
OF THOMAS R. HIGHLAND, MEMORANDUM OF LAW IN SUPPORT
OF ITS MOTION TO COMPEL DEFENDANT'S, HP INC., TO ANSWER
PLAINTIFF'S INTERROGATORIES AND TO RESPOND TO REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Plaintiff, Farmington Casualty Company a/s/o The Estate of Thomas R. Highland, incorporates its Motion as though set forth at length herein. Plaintiff respectfully requests that this Honorable Court enter an order compelling Defendant, HP Inc., to provide Plaintiff with full and complete answers to interrogatories and responses to requests for production without objections pursuant to Fed. R. Civ. P. 37(B)(iii) & (iv)

WILLIAM J. FERREN & ASSOCIATES

By: /s/Kevin M. Kelly
Kevin M. Kelly, Esquire (No. 87413)
Attorney for Plaintiff

Date: October 30, 2023

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**ATTORNEY CERTIFICATION OF GOOD FAITH
PURSUANT TO LOCAL RULE 26.1(f)**

The undersigned counsel for Plaintiff hereby certifies and attests pursuant to Local Rule 26.1(f) that he has communicated with counsel for Defendant in an effort to resolve the specific dispute(s) at issue and, further, that despite counsels' good faith attempts to resolve the dispute(s), they have been unable to do so.

WILLIAM J. FERREN & ASSOCIATES

By: /s/Kevin M. Kelly _____
Kevin M. Kelly, Esquire (No. 87413)
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I, Kevin M. Kelly, Esquire, hereby certify that I have electronically filed the foregoing with the Clerk of the Court the within Motion, a copy of which was provided to all counsel of record via the Court's ECF system.

WILLIAM J. FERREN & ASSOCIATES

By: /s/Kevin M. Kelly
Kevin M. Kelly, Esquire (No. 87413)
Attorney for Plaintiff